IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.477 OF 2006

IN

SUMMARY SUIT NO.1653 OF 2006

Kapil Metal Industries Pvt. Ltd. ...Plaintiff.

vs.

Supreme Alloys Industries & others. ...Defendants.

Ms.Laxmi Swaminathan with C.A.Shukla, for Plaintiff.

Mr.K.S.Tripathi, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 9th January, 2007.

P.C.:-

1. The plaintiff has filed the suit for recovery of the price of the goods which, according to the plaintiff, have been supplied to the defendants. The defendants deny the receipts of the goods. The learned Counsel appearing for plaintiff relies on the rubber stamps on the documents at Exhibit A and Exhibit A-1 and signatures thereon to say that the goods were received by the defendants. The averments in

paragraph (2) of the plaint shows that the rubber stamps and the signatures on the documents at Exhibit A and Exhibit A-1 were put to acknowledge the receipt of the invoices and not for receipt of the goods. The defendants therefore, have substantial defence to offer. The summons for judgment is disposed of. The defendants are granted unconditional leave to defend the suit. Written statement to be filed within eight weeks from today.